



Staff Report for Administrative Approval – Access Exception for a Private Right-of-Way

Weber County Planning Division

Synopsis

Application Information

Application Request: Consideration and action on a request to use a private right-of-way (R.O.W) as the primary access for lot 1 of what will be the Cope Subdivision that does not have frontage on a street.

Agenda Date: Wednesday, October 14, 2015

Applicant: John Cope

File Number: Access Exception (AE 2015-04)

Property Information

Approximate Address: 7713 West 900 South

Project Area: 5.89 Acres

Zoning: Manufacturing (M-1)

Existing Land Use: Agriculture

Proposed Land Use: Residential Lot

Parcel ID: 10-043-0084

Township, Range, Section: T6N, R3W, Sections 22

Adjacent Land Use

North: Agriculture	South: Agriculture/Residential
East: Agriculture	West: Agriculture

Staff Information

Report Presenter: Jim Gentry
jgentry@co.weber.ut.us
801-399-8767

Report Reviewer: SW

Applicable Land Use Codes

- Weber County Land Use Code Title 104 (Zones) Chapter 22 (Manufacturing M-1 Zone)
- Weber County Land Use Code Title 108 (Standards) Chapter 7 (Supplementary and Qualifying Regulations)

Background

The applicant is requesting administrative approval to use a right-of-way (R.O.W) as the primary access for Lot 1 of the proposed Cope Subdivision. The property is located in the Manufacturing M-1 Zone at approximately 7713 West 900 South. The proposed lot has 5.89 acres. The manufacturing zone requires single family dwellings to be on 5 acres. The new lot will be accessed by a 26 foot wide and 1197 foot long easement to the property. The easement as shown of the recorders plat is 20 feet wide and serves two additional homes. There is a 6 inch water line in the R.O.W. and a fire hydrant located on the south corner of the property.

The existing R.O.W is required to meet the design, safety, and lot/parcel standards listed in Title 108 Chapter 7 Section 29 of the Weber County Land Use Code. The R.O.W. is maintained by the property owner to the south of the proposed lot. In addition to these standards, the ROW is required to comply with the criteria and conditions listed in Section 31, which is specific to access by a private R.O.W. These standards are listed below under "Summary of Planning Division Considerations." Approval of the private R.O.W as the primary access does not act as approval of the subsequent subdivision plat.

Summary of Planning Division Considerations

108-7-31. Lots/parcels which do not have frontage on a street, but which have access by a private right-of-way or access easement may, under certain circumstances, use a private right-of-way or access easement as the primary access. Approval is subject to the applicant demonstrating compliance with the following criteria and conditions:

1. Criteria

- a. The lot/parcel is a bona-fide agricultural parcel that is actively devoted to an agricultural use that is the main use; or
- b. Based on substantial evidence, it shall be shown that it is unfeasible or impractical to extend a street to serve such lot/parcel. Financial adversity shall not be considered; however, circumstances that may support an approval of a private right-of-way/access easement as access to a lot/parcel may include but not be limited to unusual soil, topographic, or property boundary conditions.

2. Conditions

- a. It shall be demonstrated that the agricultural parcel or other lot/parcel has appropriate and legal access due to historic use, court decree, or the execution of an easement, right-of-way, or other instrument capable of conveying or granting such right; and
- b. The landowner of record or authorized representative shall agree to pay a proportionate amount of the costs associated with developing a street if, at any time in the future, the County deems it necessary to have the landowner replace the private right-of-way/easement with a street that would serve as a required access to additional lots. The agreement shall be in the form considered appropriate and acceptable to the office of the Weber County Recorder and shall recite and explain all matters of fact, including a lot/parcel boundary description, which are necessary to make the agreement intelligible and show its successive nature.

Staff has reviewed and analyzed the request for access by a private R.O.W using the criteria in Section 31. Based on review and analysis of staff's research and the information provided, staff has made the following determinations:

- Property boundary conditions are such that the parcel to be subdivided does not have access from a street and the applicants do not own additional property adjacent to a street that could be used to create a flag lot or build a road. If a road was required, other property owners adjacent to this property would have to agree to participate in its construction on their land. A multiple lot subdivision is located to the north of this property with no road stubs at this location. The property to the east has homes already developed on their frontage along 2550 West.
- Construction of a road to serve this lot from 900 South is impractical because the property where the road would be located has several existing structures including a dwelling. A road located in this area would be disruptive to the existing dwelling and agricultural operation. Due to these circumstances, construction of a road to serve one lot is impractical.
- The applicant has provided a copy of the recorder's plat that shows the easement along his property which serves other family members to the south of this property.
- Prior to receiving final occupancy on the new dwelling, the applicants must also sign an agreement to pay a proportionate amount of the costs associated with developing a street if, at any time in the future, the County deems it necessary to have the landowner replace the private R.O.W with a street that would serve as a required access to additional lots.

Conditions of Approval

- Prior to final subdivision approval, the applicants must also sign an agreement to pay a proportionate amount of the costs associated with developing a street if, at any time in the future, the County deems it necessary to have the landowner replace the private R.O.W with a street that would serve as a required access to additional lots.
- Meeting applicable review agency requirements.

Staff Administrative Approval

Based upon the findings listed above, administrative approval for use of a private right-of-way as the primary access for a lot without street frontage (Lot 1 of the proposed Cope Subdivision) is hereby approved this 14th day of October, 2015.

Weber County Planning Director

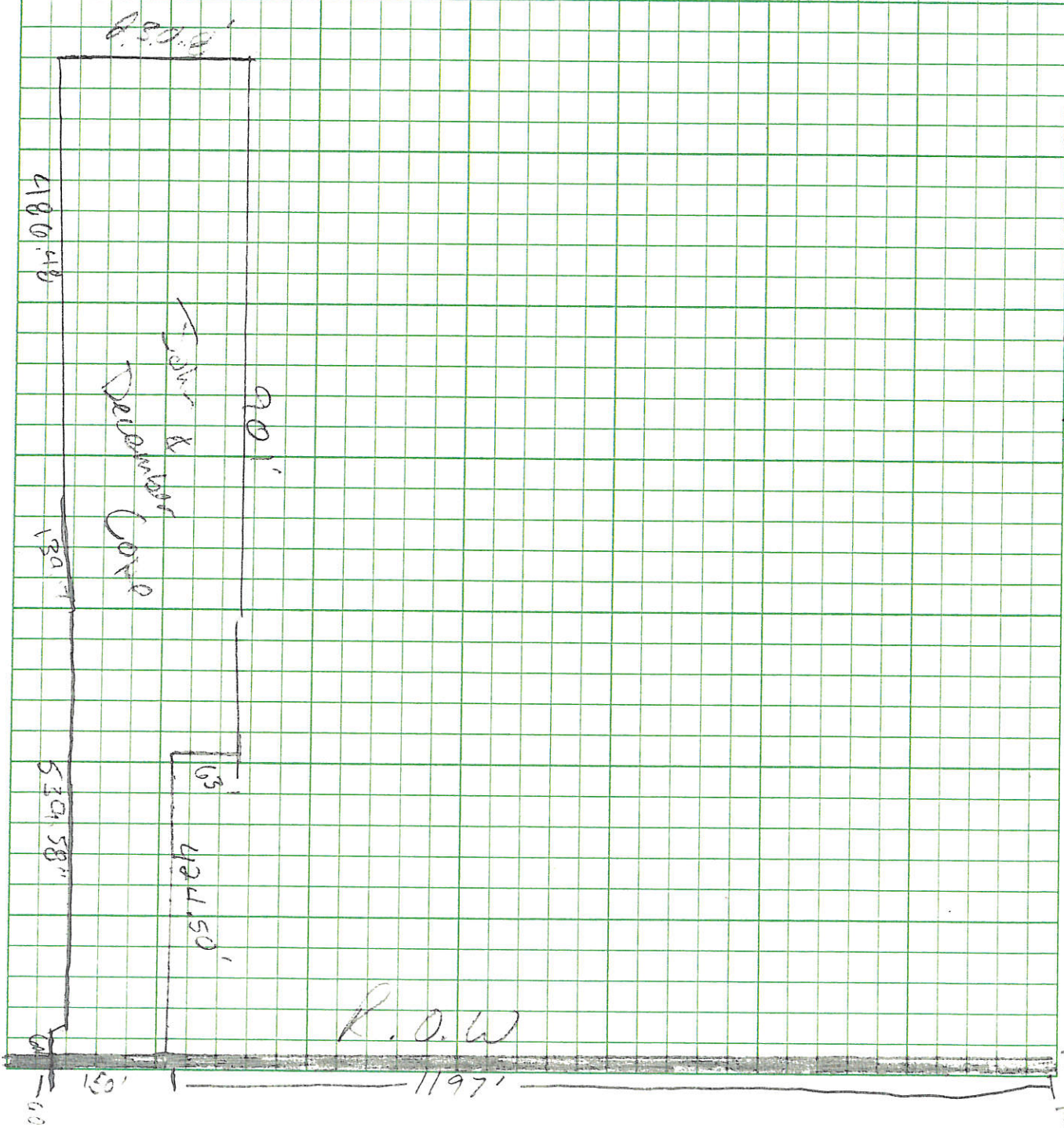
Exhibits

- A. Proposed site plan
- B. Location map
- C. Recorders plat
- D. Application with narrative

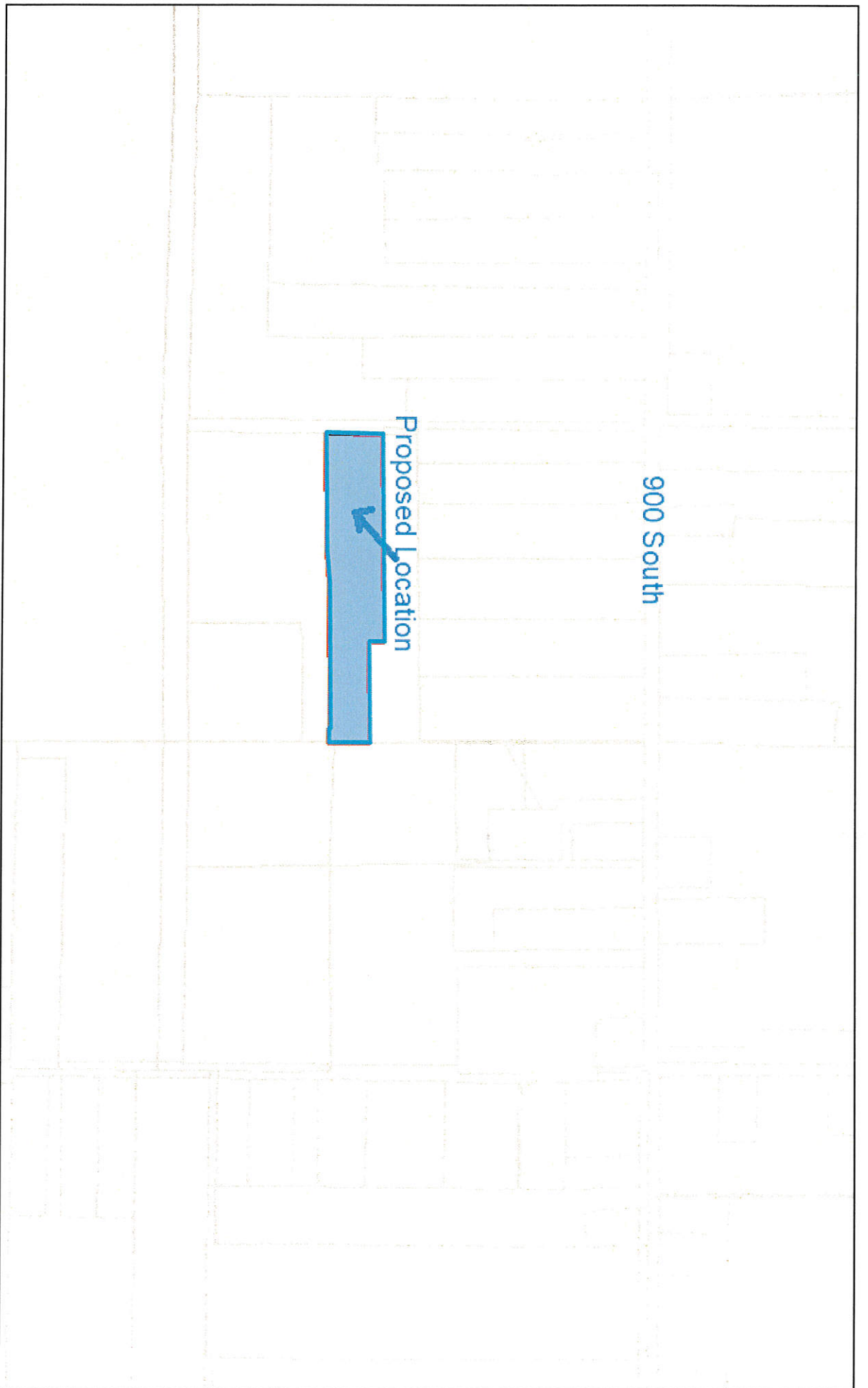
1 Box ← 40

900 S Center of Road

20' 10"



Location Map



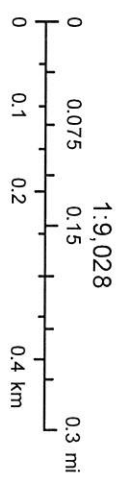
Proposed Location

900 South

September 22, 2015

Street Labels

City Labels



SECTION 22, T.6N., R.3W., S.L.B. & M.

IN WEBER COUNTY

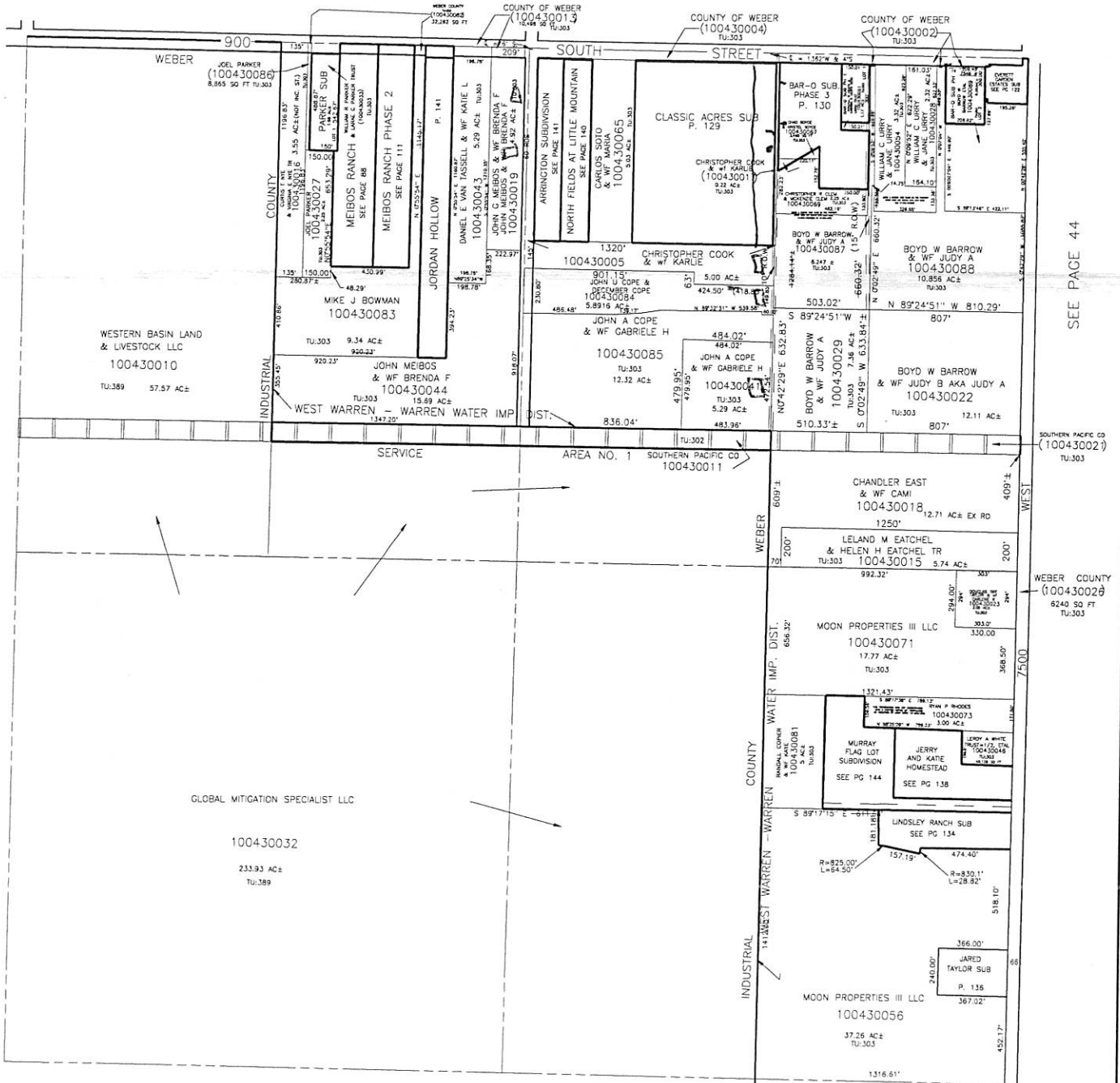
SCALE 1" = 400'

TAXING UNITS: 302,303,389

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Weber County Access Exception Permit Application

Application submittals will be accepted by appointment only. (801) 399-8791, 2380 Washington Blvd. Suite 240, Ogden, UT 84401

Date Submitted /Completed	Fees (Office Use)	Receipt Number (Office Use)	File Number (Office Use)
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Application Type

<input checked="" type="checkbox"/> Access by Private Right of Way	<input type="checkbox"/> Access at a location other than across the front lot line
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Property Owner Contact Information

Name of Property Owner(s) <i>John/December Cope</i>		Mailing Address of Property Owner(s) <i>7715 W900S West Warren UT 84401</i>
Phone <i>801-452-3437</i>	Fax	
Email Address (required) <i>copej@compassminerals.com</i>	Preferred Method of Written Correspondence <input checked="" type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail	

Authorized Representative Contact Information

Name of Person Authorized to Represent the Property Owner(s)		Mailing Address of Authorized Person
Phone	Fax	
Email Address (required)	Preferred Method of Written Correspondence <input type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail	

Property Information

Project Name <i>Cope subdivision</i>	Total Acreage <i>5.78</i>	Current Zoning
Approximate Address <i>7713 W 900S West Warren UT 84401</i>	Land Serial Number(s)	
Proposed Use <i>Home</i>		

Project Narrative

My family and I would like to build in this western Weber County location, we have purchased land from my father and it has been a long time dream of my family and him.

- We have subdivided to have 150' of frontage on the Right-of-Way, we also have a letter saying Lucky Mountain power stating they will service the site.
- We have filed with health department for septic tank use. Soil sample is complete and filed. Ground water monitoring pipes will go in late September
- Potable water has been run from 900S to 7715 & 7711, fire hydrant is located 100' from the property
- We believe it to be unfeasible to make this a County Rd to service 2 homes
- Elevation of home site is 4220 ft along east end of property.
- The Right-of-Way is currently being used for two other home sites
Thank you John Cope